

Consultancy Title: Legal Gender Recognition (LGR) National Consultant in Fiji – Conduct a legal and policy assessment on legal gender recognition in Fiji Location: Fiji (open to Fiji nationals or those residing in Fiji only)

Organization: Asia Pacific Transgender Network (APTN)

Language Required: English

Duration and Length of Contract: 20 working days within August 2018 to March 2019 Application

Deadline: 17 August 2018

Project and Reference: US-DRL / S-LMAQM-17-GR-1190

Background:

The Pacific, particularly Polynesia, has a long history of gender diversity including culturally specific terms such as Fa'afafine (Samoa), Leiti (Tonga), Palopa (Papua New Guinea) and Vakasalewalewa (Fiji). There is no accurate data on the number of transgender people in the Pacific. However, the visibility of trans feminine people, including those culturally-specific identities listed above, suggests the proportion is likely to be at least as high as estimates in other parts of the world. Trans masculine identities are only starting to emerge in the Pacific. There has been very limited research on the experiences of transgender people in the Pacific outside HIV and AIDS behavioral or prevalence studies, or as a very small component of research across the Asia Pacific region more generally. This research gap is widely known. For example, one of the recommendations from the 2015 Blueprint for the Provision of Comprehensive Care for Trans People and Trans Communities in Asia and the Pacific was to “undertake research on under-represented groups, including trans men, indigenous groups, and elderly people across the region and trans people in the Pacific”.

Transgender people's right to recognition and equal protection before the law, without any forms of discrimination (including forced or coerced sterilization) have been increasingly raised by human rights mechanisms, including the United Nations Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of all Forms of Discrimination Against Women, and the Committee against Torture. The Asia Pacific Transgender Network (APTN) is the regional partner for the legal gender recognition project that is part of the United Nations Development Program's (UNDP) Being LGBTI in Asia program. This has involved working collaboratively with transgender communities in nine countries in Asia to undertake a comprehensive national assessment and review of the laws, policies and practices that are affecting transgender people's right to legal gender recognition (LGR). The project reviews laws, regulations, court decisions, policies and practices that impact on transgender people's right to recognition before the law including provisions that enable transgender people to access education, employment, health

and other public services based on their gender identity or expression. The national assessment identifies the overall impact of such provisions on transgender people's lives. It also looks at any gaps or barriers, including when laws or policies have not been implemented or enforced in practice.

Reviews in nine Asian countries were conducted in India, Bangladesh, Pakistan, Nepal, China, the Philippines, Thailand, Indonesia and Malaysia. Despite multiple attempts, no funding has been obtained for the Pacific and so it has not been possible to include Pacific countries in this project. From the outset, both APTN and UNDP have identified Fiji as a priority country given its existing constitutional protections, interest from NGOs on legal gender recognition, preliminary discussions with government officials, and a recent unsuccessful legal application for a name change on a legal document.

About the Project:

In 2017, the Asia Pacific Transgender Network (APTN) sought support from the US Department of State, Bureau of Democracy, Human Rights and Labor (DRL) for "A Peer-led Study on Trans Rights and Transphobic Violence in Fiji, Samoa and Papua New Guinea" project to ensure transgender persons in Fiji, Samoa and Papua New Guinea have equal protection under the law by participatory research and advocacy activities.

One of the core components of this project is to conduct a legal and policy assessment on legal gender recognition (LGR) in Fiji. The objectives of this study/assessment are to build legal knowledge and understanding amongst transgender people in Fiji so they are able to assert their rights based on better understanding of court decisions, laws, policies, regulations and practices that impact on the right to recognition and equal protection before the law in their country; identify possible next steps to improve legal gender recognition and protection and use a multi-stakeholder approach to develop strategies based on a Fiji country report and lessons learnt from the Region. APTN, in collaboration with our Fiji country partners, Haus of Khamelon and their partner Sisters of Solidarity (SOS) and with the technical support of the UNDP Bangkok Regional Hub, will lead the LGR assessment in Fiji. Fiji has been identified as a priority country given its existing constitutional protections, interest from NGOs on legal gender recognition, preliminary discussions with government officials, and a recent unsuccessful legal application for a name change on a legal document. Given the government's commitment to provide legal protections to LGBTI communities, the leadership role they have taken on SOGIESC issues in the Pacific and the strength of relationships between local transgender organisations, the National Human Rights Commission (NHRC) and the Government, Fiji is the most

appropriate country in the Pacific to start. The success of this review will serve as a firm launch pad for future reviews in other Pacific countries.

Thus, APTN is looking for a National Consultant in Fiji to conduct a legal and policy assessment on legal gender recognition in Fiji, to be engaged for 20 working days within August 2018 to March 2019.

Duties and Responsibilities of the Consultant

The Consultant will work closely with the Legal Gender Recognition (LGR) Regional Consultant and APTN implementing partner's focal person/s. The Consultant will be supervised by APTN's Project Manager (based in Bangkok) and APTN's Pacific Project Coordinator (based in Fiji). The position is expected to accommodate the Fiji and Bangkok timezones in their role.

The Consultant's responsibilities include:

1) Contribute to the Fiji LGR Study Inception Workplan developed by the LGR Regional

Consultant, outlining the research methodology, timeline and tasking. 2) Use the methodology/framework/tool provided by UNDP-BRH in its previous multi-country

LGR work, noting any adaptations localized for the country context in Fiji. 3) Participate in an initial Community and Technical Experts' Consultation in Fiji on Legal

Gender Recognition: Attend a half day pre-meeting briefing with the LGR Regional Consultant and APTN team; attend the initial Community and Technical Experts' Consultation in Fiji on Legal Gender Recognition, and take extensive notes to inform their work, and a brief internal project team note about the consultation. 4) Conduct a comprehensive desk review and review of relevant laws, policies, administrative

regulations, court decisions that are relevant or may affect Legal Gender Recognition in Fiji, using the project's assessment tool. Analyse whether the identified laws, regulations, policies respect and protect transgender people's human rights and their well-being, and identify good practices and barriers. Assess and analyse the implementation and practical implications of laws, policies (or customary practices), including to assess the lived reality of transgender people, related to legal gender identity recognition and identify good practices and barriers. 5) Identify key stakeholders that are responsible for the development and implementation of

laws and policies with regard to legal gender identity recognition in the country. Conduct any interviews that may be required to fill information gaps; and obtain additional information from these key stakeholders.

6) Analyse all gathered data and write the first full draft of the Fiji LGR Country Report, with

technical support and feedback from the LGR Regional Consultant. 7) Conduct a 2nd Community and Technical Experts' Consultation in Fiji to discuss the

findings from the draft LGR country report, obtain feedback and identify ways to support progressive gender recognition reforms in Fiji: Facilitate the 2nd Community and Technical Experts' Consultation in Fiji based on the meeting agenda developed by the LGR Regional Consultant; and prepare a PowerPoint presentation summarising the key points of the draft country report. Take extensive notes on the feedback from the consultation participants, and submit a brief internal note on the meeting and the level of revisions and additions required to the report. 8) After the 2nd consultation on LGR, revise and finalise the Fiji LGR Country Report (with

bibliography and annexes), with technical assistance from the LGR Regional Consultant; and develop an updated PowerPoint presentation summarising the key points of the final country report. 9) Attend coordination meetings with the LGR Regional Consultant and APTN team.

Required Skills and Qualifications of the Consultant

- Bachelor/Master's degree in law, human rights, public policy, sociology, public health, or a related discipline;
- At least 5 years of relevant experience;
- Substantive experience in assessing and analysing laws, regulations and policies from a human rights perspective;
- In depth knowledge of transgender issues and human rights;
- The capacity of initiating and contributing to multi-stakeholder dialogues, particularly with transgender communities;
- Previous experience working with civil society organisations and government agencies;
- Proficiency in oral and written English is required; oral proficiency in Fijian is an advantage.

In case the Consultant has limited capacity and experience on one of the above conditions, the consultant is expected to work together with another expert (who has the necessary legal or transgender expertise). If such scenario occurs, the applicant is expected to specify it in the application with precise identification of the person with whom the applicant is planning to

work with. In case of such situation, the option of sub-contracting part of the work is the preferred mode of conduct and will be a subject of discussion with APTN.

How to Apply

Interested candidates should submit their CV and a cover letter (with proposed daily rate in US Dollars), and sample written work or publication to apply@weareaptn.org with subject header “Application for Legal Gender Recognition (LGR) National Consultant in Fiji” by 3 August 2018. Only shortlisted candidates will be notified.

The initial Community and Technical Experts’ Consultation in Fiji on Legal Gender Recognition is likely to take place in Suva, Fiji in late August 2018. Please indicate your availability to attend a 1-day consultation, preceded by a half day briefing with the LGR Regional Consultant and APTN team.

Transgender and gender diverse people from Fiji are highly encouraged to apply.

